



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

June 26, 2015

Mr. John F. Roehm
Counsel for City of Sulphur Springs
Fanning Harper Martinson Brandt & Kutchin, P.C.
4849 Greenville Avenue, Suite 1300
Dallas, Texas 75206

OR2015-12782

Dear Mr. Roehm:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the “Act”), chapter 552 of the Government Code. Your request was assigned ID# 568906.

The Sulphur Springs Police Department (the “department”), which you represent, received two requests for information, including video recordings from patrol car cameras and body cameras, related to the arrest and incarceration of a named individual. The department states it does not have video recordings from body cameras responsive to the request.¹ You claim the submitted information is excepted from disclosure under sections 552.108, 552.130, and 552.147 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.108(a)(1) of the Government Code excepts from disclosure “[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . release of the information would interfere with the detection, investigation, or prosecution of crime[.]” Gov’t Code § 552.108(a)(1). A governmental body claiming section 552.108(a)(1) must reasonably explain how and why release of the information at issue would interfere with the detection, investigation, or prosecution of crime. *See id.* §§ 552.108(a)(1), .301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You state the submitted information is related to an ongoing criminal investigation being conducted by the Texas Rangers. You further state the Texas Rangers have asked the department not to release the information at issue because disclosure of this

¹The Act does not require a governmental body to release information that did not exist when a request for information was received or to prepare new information in response to a request. *See Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266, 267-68 (Tex. Civ. App.—San Antonio 1978, writ dismissed); Open Records Decision Nos. 605 at 2 (1992), 452 at 3 (1986), 362 at 2 (1983).

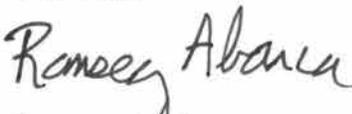
information would interfere with the ongoing investigation. Based on these representations and our review, we conclude section 552.108(a)(1) is applicable in this instance. *See Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.—Houston [14th Dist] 1975) (delineating law enforcement interests present in active cases), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976).

We note, and you acknowledge, section 552.108 does not except from disclosure basic information about an arrested person, an arrest, or a crime. Gov't Code § 552.108(c). Basic information refers to the information held to be public in *Houston Chronicle*. *See* 531 S.W.2d at 186-88; Open Records Decision No. 127 (1976) (summarizing types of information considered to be basic information). Basic information does not include driver's license information encompassed by section 552.130 of the Government Code. *See* ORD 127 at 3-4. Basic information does include an arrestee's social security number. *See id.* Although the department seeks to withhold the arrestee's social security number in the basic information, in this instance the arrestee is deceased and section 552.147(a) of the Government Code excepts only the social security number of a living individual from public disclosure. Gov't Code § 552.147(a). Thus, we find the department may not withhold the deceased individual's social security number it has marked in the basic information under section 552.147 of the Government Code. Accordingly, with the exception of basic information, the department may withhold the submitted information under section 552.108(a)(1) of the Government Code.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Ramsey A. Abarca
Assistant Attorney General
Open Records Division

RAA/eb

Ref: ID# 568906

Enc. Submitted documents

c: Requestor
(w/o enclosures)